

EXECUTIVE SESSION – September 14, 2021

On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember T. Martinez, the Mayor and City Council unanimously agreed by voice vote of all members present at the time of the vote to meet in closed session to consult with counsel to obtain legal advice (#7) (Section 3-305(b)), and to discuss (i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction (#1) (Section 3-305(b)), on Tuesday, September 14, 2021 at 2:39 p.m. in Room 407, 4<sup>th</sup> floor, City Hall, Hagerstown, Maryland. Councilmember K. B. Aleshire was not present for the vote.

The following people were in attendance: Mayor E. Keller, Councilmember K. B. Aleshire, Councilmember R. E. Bruchey, II, Councilmember T. Burnett, Councilmember T. Martinez, Councilmember S. McIntire, City Administrator Scott Nicewarner, City Attorney Jason Morton, Michelle Hepburn, Chief Financial Officer, Wes Decker, Communications Manager, D. Bruce Poole, The Poole Law Group, and Donna K. Spickler, City Clerk.

The meeting was held to obtain legal advice and to discuss various personnel issues. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the meeting was adjourned at 3:40 p.m.

WORK SESSION – September 14, 2021

Mayor E. Keller called this Work Session of the Mayor and City Council to order at 4:02 p.m., Tuesday, September 14, 2021 in the Council Chamber at City Hall. Participating with the Mayor were Councilmembers K. B. Aleshire, R. E. Bruchey, II, T. Burnett, T. Martinez, S. McIntire, City Administrator Scott A. Nicewarner, and City Clerk D. K. Spickler.

Recommendation for Administrative Change for PEP/Project Restore Applicants

Christopher Siemerling, Economic Development Specialist, was present to discuss alternatives for administering the Partners in Economic Progress (PEP) rent relief incentive alongside the State's Project Restore program.

PEP currently requires a 4-year lease and is administered in this way:

The tenants have two options for the distribution of the incentive as follows:

1. Option 1 (24 months) – 50% of monthly rent for 24 months, maximum monthly benefit is \$ 1,000
2. Option 2 (36 months)  
50% monthly rent for months 1-12, maximum monthly benefit is \$ 1,000

35% monthly rent for months 13-24, maximum monthly benefit is \$ 700

15% monthly rent for months 25-36, maximum monthly benefit is \$ 300

The State's Project Restore program will pay a business' rent for 12 months to the landlord. As there may be businesses that apply for Project Restore and PEP rent relief, staff are proposing an update to how the program is administered for these businesses to fully utilize Project Restore prior to PEP benefits.

Staff proposed the following alternatives:

1. Alternative A: Provide PEP benefits reduced by First Year of State Project Restore Funding. Under this change in handling PEP Rent Relief, business applicants would still only require a traditional 4-year lease.
2. Alternative B: Provide Full PEP Benefits in addition to and following the first year of State Project Restore. As part of the change in administering PEP Rent Relief, staff propose requiring a 5-year lease for these applicants vs. a traditional 4-year lease.

Councilmember McIntire asked if staff reviewed these alternatives with the Landlord Association to see if one is more appealing than the other. Mr. Siemerling stated he has not yet. There is currently one applicant considering the PEP Rent benefits. He noted Alternative A would allow more funding for the City's program.

Councilmember McIntire prefers Alternative B since it includes a 5 year lease requirement.

Councilmember Aleshire confirmed that the applicant chooses the benefit option. Mr. Siemerling stated that is correct.

It was the general consensus of the Mayor and City Council to move forward with the proposed administrative change as discussed.

#### 2021 Land Management Code (LMC) Amendments - Breweries, Wineries, Distilleries

Megan Flick, Planner, was present to review proposed amendments to the 2021 Land Management Code (LMC) for breweries, wineries, and distilleries.

In response to inquiries received by the Department of Community and Economic Development (DCED) staff, the Planning Commission recommends the following amendments to the small-scale brewery, distillery, and winery section of the City's Zoning Code:

1. Change the definition of small-scale brewery, distillery, and winery to an establishment that is 25,000 square feet or less
2. Increase the maximum square footage to 25,000 square feet permitted by Special Exception in the CC-MU and C zoning districts and for industrial buildings built

before October 1, 1956 by Special Exception in the CG, POM, IR, and IG zoning districts

3. Continue to allow breweries by right at 15,000 square feet in CC-MU and C
4. Remove the prohibitions on outdoor speaker systems

The Planning Commission held a public review meeting on June 30, 2021 and did not receive public input. The Mayor and City Council held a public hearing on August 24, 2021 and no public input was received. However, staff has received support from DCED.

It was the general consensus of the Mayor and City Council to move forward with the proposed amendments and schedule introduction of the ordinance for September 28, 2021.

#### Property Acquisition at 441 South Potomac Street

Rodney Tissue, City Engineer, was present to discuss the potential acquisition of the property at 441 South Potomac Street.

Mr. Tissue reported that, due to unfavorable environmental test results on the portion of the property known as 441 South Potomac Street, and further described in the purchase and sales agreement executed on June 25, 2021 by the Mayor and City Council with Columbia Gas of Maryland, staff recommends that the City withdraw from the purchase of the property for the purpose of building a fire station at that site.

As previously approved, the City conducted independent, third party borings and tests on the portion of the property referred to as the Cassidy Trucking site. The results of these tests suggest that at some time in the past, a number of fuel tanks had been removed from the site without appropriate environmental remediation. Therefore, staff cannot recommend that this site is appropriate for the purpose of locating office space and living quarters for emergency services personnel. It would also be expensive and time consuming to remediate.

Staff is requesting formal approval to withdraw from the purchase and sales agreement including the refund of \$ 20,000 from the title company.

Hagerstown Fire Department staff are diligently working on several alternate site recommendations that they intend to bring before the Mayor and City Council in the next 90 days.

Mayor Keller asked what responsibility the City has since the contamination is known. Mr. Tissue indicated a report will be provided to the Maryland Department of the Environment. The report will then be made public. The recommendation for the property is to pave it, making the soil inaccessible.

Mr. Tissue reported the area of the Community Garden was tested prior to its placement there. The tests came back clean. He noted that the garden plots are all raised beds and have no contact with the existing soil.

### Operation Take Back Update

Scott Nicewarner, City Administrator, provided information on the creation and first implementation of the Operation Take Back program. This program focuses on engaging neighborhoods to partner and assist the City in improving the safety, cleanliness, and livability of their neighborhoods. This operation includes almost all facets of City government and services, including the Public Safety divisions, Public Works, Code Enforcement, Engineering, all Utility divisions, and Community and Economic Development.

This plan for this operation will be ongoing as staff reaches out to various neighborhoods in all areas of the City over the next 12 months. Staff are currently focusing on the Bester Community First neighborhoods including South Cannon Avenue, South Locust Street, East Baltimore Street, East Antietam Street, King Street, and Hager Street.

Mr. Nicewarner reminded the group that a similar type effort was conducted in response to complaints about issues on Dale Street. During that effort, staff from several departments walked the area and found ways to decrease thru traffic. Changing the traffic flow seemed to help, while still allowing people to get to their back yards. Additional lighting and increased wattage also helped. These efforts reduced the amount of community concerns.

In July, 2021, several City representatives were invited to a Bester Community Neighborhoods 1<sup>st</sup> meeting where they heard concerns from residents in this area. The residents also offered solutions. Mr. Nicewarner recalled the success of partnering with the neighborhood on Dale Street and called a meeting of staff from several City departments to discuss the concerns. He believes a difference can be made in this neighborhood without a lot of cost and extra work by working with the community. The Bester Community citizens are extremely proud of their community. Staff reviewed the community survey results and tied the concerns noted there with the same concerns the Bester neighborhood has. The areas of focus include crime and/or questionable activities, blight/parcel inventory, homeless assistance, trash remediation, and street and alley lighting.

Mr. Nicewarner thanked Samantha Barrik of the Neighborhoods 1<sup>st</sup> group for spear heading the discussions. She walked the neighborhood with City staff in August. The group noticed crime and questionable activities during that walk. The Community wished they could have more police visibility to help deter the questionable activity. Mr. Nicewarner asked the police department to have officers park along the streets to do their computer work rather than parking in a large parking lot. Officers have been doing this. At a follow up meeting with the Community, it was noted there had been officers in the neighborhood more. The loitering had decreased, including at the Sheetz store. Mr.

Nicewarner also suggested police officers walk through the neighborhood and say hello to people on porches and get acquainted with the people in the neighborhoods.

Staff reviewed traffic patterns for Bixler and Matthews alleys. The police and engineering departments are looking at adequate placement for barriers to keep these alleys from being a thru way while maintaining access for people to get to their garages in the back.

Staff has been working towards blight eradication. They noticed owner occupied homes and other rental homes are not in good shape. Current legislation does not provide the City of Hagerstown a way to adequately address these issues. The Mayor and City Council will be reviewing proposed code amendments in the next couple months for changes to address the blighted, occupied properties. Staff are also looking at ways to assist with funding for owners to make repairs and improve the livability of the home. The Bester Community members think this is a positive initiative. The American Rescue Plan Act funding guidelines are being reviewed to determine if some of this funding can be used. If not that revenue source, there may be others. City representatives are meeting with Congressman Trone's staff tomorrow and will be discussing this possibility. There are some tax sale properties in this area that are a mess. A few vacant buildings have doors that are wide open, providing full accessibility. This is not good for any neighborhood.

A number of homeless people are gathering at the former Washington County Hospital property because it is convenient and it is less visible. There is trash around the entire area owned by Meritus Health. The grass had not been mowed. The Code Compliance office contacted Meritus about the grass and it was immediately corrected. There are significant concerns about the parking deck at that site as well. The deck is easily accessible and it needs to be secured. There is evidence of drug activity in the area and concrete is breaking. It is not a safe place to gather.

Some areas of this neighborhood are good and other are really bad (especially the alleys). There needs to be a way to make people accountable for keeping their units as clean as possible. This includes residents and property owners. It is a community effort and the Bester Community group is motivated to make a difference. One idea to remediate the trash problem is to place extra trash cans in the neighborhood. For some residents, there is limited space to store trash cans and some have to take their trash a long way from the back of the house to the front of the house for pick up. Staff is looking at how to address this.

Mr. Nicewarner stated the street and alley lighting was a bigger issue than what he thought it would be. The Light Department staff participated in the walk and looked at places to improve or add lighting and have made changes. A lot of residents have cameras and the area is too dark for the cameras to pick up activity in the back of the homes. Some garages have become places for people to gather and cause problems. Staff is conducting a housing inventory in the Bester Community.

Mr. Nicewarner stated staff will continue this initiative with other communities and Neighborhoods 1<sup>st</sup> groups. The next community may be the Locust Point area. They are experiencing a similar situation as South Mulberry Street and South Cannon Avenue. Staff will continue to be visible and do things that are within the City's power to do that will help.

City representatives plan to attend the September Bester Community meeting to review the changes that have been made. It is heartening to see the enthusiasm of the group working to address these issues and concerns.

Councilmember McIntire thanked City staff for their commitment to improve Hagerstown neighborhood by neighborhood.

### State Law and City Electrical Licenses

Paul Fulk, Neighborhood Services Manager, and Kathleen Maher, Director of Planning and Code Administration, were present to provide information regarding recent changes to state law and how it affects local electrical licenses and City Code.

The Maryland General Assembly passed Senate Bill 762, cross-filed with House Bill 1262, on May 30, 2021 with an effective date of July 1, 2021. This bill alters the powers and duties of the State Board of Master Electricians by changing the name of the State Board of Master Electricians to the State Board of Electricians and prohibiting, beginning on July 1, 2021, local jurisdictions from issuing certain licenses and replacing local electrician licenses with local electrician registrations. The new law also prohibits an individual from employing an individual to provide or assist in providing electrical services unless the individual meets certain licensing requirements.

Currently, the City licenses 327 Master Electricians. City Code allows individuals to obtain a City of Hagerstown license by possessing either a Maryland master electrical license or a Washington County master electrician license and a certificate of insurance naming the City of Hagerstown. The licenses are valid for two years, renewable by December 31 on the even calendar year.

An electrician with a current license is not affected until July 1, 2022. If the electrician is locally licensed and not licensed by the State of Maryland, they can petition the state license board to obtain a state master license without taking an exam. Electricians that do not have an active license cannot obtain a City of Hagerstown license unless they are licensed by the State of Maryland as a Master Electrician. Washington County discontinued administering their master electrician exam on July 1.

Local jurisdictions are not permitted to issue licenses; the local jurisdictions can only issue registrations of July 1, 2021. The City of Hagerstown has been issuing electrical licenses since September 1, 1970. This has ensured electricians performing work in Hagerstown meet a minimum qualification to perform electrical services. The law does not take away the City's right to protect it's citizens in regards to electrical services; it

permits the City to change licenses to registrations. This will require an amendment to the City Code.

In addition to changing the law of who can license electricians, the law also established other levels of electrical licenses individuals must hold in order to perform electrical services. The state law established a Journeyman and Apprentice level license. This was created to ensure that any individual working on a job site has gone through a certain level of minimum qualifications to perform electrical services. The law gives local jurisdictions the ability to establish the same level of local registrations. This change also requires that a Master or Journeyman electrician be at any job site where electrical services are being performed by an individual.

Staff recommend amending the City Code to change the language from a license to a registration for Master Electricians and establish a local registration for Journeyman and Apprentice Electricians. The change permits the City to protect the citizens and their property by ensuring electrical work being performed in Hagerstown is being conducted by a licensed professional. The amendment would take effect 30 days after passage of the amendment and currently licensed electricians would renew their current licenses to registrations by December 31, 2022. This timeline gives the City of Hagerstown time to educate the local electricians on the state and local law changes.

It was the general consensus of the Mayor and City Council to move forward with the proposed amendments as discussed.

### **CITY ADMINISTRATOR'S COMMENTS**

*Scott A. Nicewarner, City Administrator* announced the City Park Fall Fest will be held Saturday, September 18, 2021 from 11:00 a.m. to 3:00 p.m., followed by the movie Shrek in the evening.

### **MAYOR AND COUNCIL COMMENTS**

*Councilmember S. McIntire* stated a local business owner has reached out to her with concerns about safety around their property. She discussed the situation with Police Chief Kifer. Chief Kifer, Captain Langston, and Lieutenant Fetchu met with the business owner to discuss the concerns and offer potential solutions. She thanked the Chief for reaching out to the business owner.

*Councilmember R. E. Bruchey, II* had no additional comments.

*Councilmember T. Burnett* had no additional comments.

*Councilmember K. B. Aleshire* had no additional comments.

*Councilmember T. Martinez* welcomed Nathan's Ridge to Hagerstown. Nathan's Ridge is a men's recovery transitional house. She thanked Horizon Goodwill for giving out hot breakfasts every morning.

*Mayor E. Keller* thanked everyone who participated in the Washington Goes Purple Kick Off event on September 3, 2021. Lt. Governor Rutherford visited Hagerstown last week to hear about drug problems in the community and to discuss what the State of Maryland is doing to assist with this issue. She and others met with Congressman Trone to discuss the possibility of a bond bill for \$ 500,000 to assist with removing blight in Hagerstown. Congressman Trone also participated in the Drug Take Back event later that day. She appreciates Congressman Trone's involvement.

Mayor Keller stated there are meetings being held with the Homeless Coalition, Washington County Health Department, and the City of Hagerstown every other week to discuss what can be done collectively to address the issues noted in the Operation Take Back discussion.

Mayor Keller announced the Bester Day of Hope is also being held on September 18, 2021.

There being no further business to come before the Mayor and City Council, on a motion duly made, seconded and passed, the meeting was adjourned at 4:45 p.m.

Respectfully submitted,

*Original signed by D. K. Spickler*

Donna K. Spickler  
City Clerk

Approved: October 26, 2021